

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ROBERT BURNS,

Petitioner,

v.

LARRY DENNEY, et. al.,

Respondent.

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No. 5:08-CV-06034-DGK

ORDER

On April 29, 2010 the Court denied Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now pending before the Court is Petitioner's Motion for Certificate of Appealability (doc. 35).

To issue a certificate of appealability a district court must find that the petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); *Tiedman v. Benson*, 122 F.3d 518, 521 (8th Cir. 1997). This requires the petitioner to "show that reasonable jurists could debate whether . . . the petitioner should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (quotation omitted).

After considering the seven claimed grounds for relief raised in Petitioner's motion and reviewing the Court's April 29, 2010 order denying the application, the Court holds Petitioner has failed to make a substantial showing of the denial of a constitutional right. The request for a certificate of appealability is DENIED.

IT IS SO ORDERED.

Date: October 28, 2010

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT